STATUTORY INSTRUMENTS

2016 No. 888

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016

Made - - - -	*7th September 2016*
Laid before Parliament	*9th September 2016*
Coming into force - -	*1st October 2016*

The Secretary of State is a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the environment.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by section 74 of the Energy Act 2011(**3**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016.

(2) These Regulations come into force on 1st October 2016.

(3) These Regulations extend to England and Wales.

Amendments to the Energy Performance of Buildings (England and Wales) Regulations 2012

2.—(1) The Energy Performance of Buildings (England and Wales) Regulations 2012(**4**) are amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation)—

(a) in the definition "accreditation scheme" omit—

(i) "; or" at the end of subparagraph (a), and

(**1**) S.I. 2008/301.
(**2**) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(**3**) 2011 c.16.
(**4**) S.I. 2012/3118, as amended by S.I. 2013/10; S.I. 2013/181; S.I. 2013/603; S.I. 2014/880; S.I. 2015/609, S.I. 2015/1681 and S.I. 2016/284.

(ii) subparagraph (b);

(b) after the definition "energy assessor" insert the following definition—

""energy efficiency improvement" has the meaning given in section 2(4) of the Energy Act 2011(**5**);".

(3) For regulation 13 (electronic production of energy performance certificates) substitute—

"**Electronic service of energy performance certificates etc**

13.—(1) A document that is made available or given in accordance with the regulations listed in paragraph (2) may be made available or given electronically if the intended recipient consents to receiving it electronically.

(2) Those documents are—

(a) an energy performance certificate made available in accordance with regulation 6(2);

(b) an energy performance certificate given in accordance with regulation 6(5);

(c) an energy performance certificate given in accordance with regulation 7A(2)(a);

(d) a notice given to a local authority in accordance with regulation 7A(2)(b).".

(4) In regulation 29(1) (disclosure of data: general), for "31" substitute "30A".

(5) In regulation 32 (disclosure by keeper of register)—

(a) after paragraph (7) insert the following paragraphs—

"(7A) The keeper of the register may disclose bulk access data which relates to a building to a green deal relevant person if the data is to be used by that person solely for one or more of the following purposes—

(a) promoting energy efficiency improvements in relation to buildings;

(b) promoting and marketing energy efficiency improvements that may be made pursuant to a green deal plan;

(c) determining whether energy efficiency improvements that may be made pursuant to a green deal plan have or have not been made in respect of a particular building or buildings.

(7B) The keeper of the register may disclose bulk access data which relates to a building to the Secretary of State, or to a person acting on behalf of the Secretary of State, for one or more of the following purposes—

(a) the carrying out of any function of the Secretary of State under—

(i) sections 33BC (promotion of reductions in carbon emissions: gas transporters and gas suppliers) or 33BD (promotion of reductions in home-heating costs: gas transporters and gas suppliers) of the Gas Act 1986(**6**),

(ii) sections 41A (promotion of reductions in carbon emissions: electricity distributors and electricity suppliers) or 41B (promotion of reductions

(**5**) 2011 c.16.

(**6**) 1986 c.44. Section 33BC was substituted by section 99 of the Utilities Act 2000 (c.27) for section 33BB, inserted by paragraph 36 of Schedule 3 to the Gas Act 1995 (c.45), and has been amended by section 15 of, and paragraphs 1 and 2 of the Schedule to, the Climate Change and Sustainable Energy Act 2006 (c.19); paragraph 1 of Schedule 8 to the Climate Change Act 2008 (c.27); section 66 of the Energy Act 2011 (c.16); and paragraph 4(1) and (11) of Schedule 1 to S.I. 2014/631. Section 33BD was inserted by section 68 of the Energy Act 2011.